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Introduced by: Senator Paolo Benigno "Bam" A. Aquino IV

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RECEIVED BY: \_\_\_\_\_

**A RESOLUTION DIRECTING THE APPROPRIATE SENATE COMMITTEES TO CONDUCT AN INQUIRY, IN AID OF LEGISLATION, INTO THE RECENTLY REPORTED ILLEGAL SEARCHES IN VARIOUS ESTABLISHMENTS IN KATIPUNAN, QUEZON CITY, AND OTHER POLICE OPERATIONS THAT MAY BE WEAKENING THE RULE OF LAW AND IMPEDING ON THE RIGHTS AND WELFARE OF OUR CITIZENS**

**WHEREAS**, Article 3, Section 2 of the Philippine Constitution provides, "The right of the people to be secure in their persons, houses, papers, and effects against unreasonable searches and seizures of whatever nature and for any purpose shall be inviolable." It further states that "no search warrant or warrant of arrest shall issue except upon probable cause to be determined personally by the judge after examination under oath or affirmation of the complainant and the witnesses he may produce, and particularly describing the place to be searched and the persons or things to be seized;"

**WHEREAS**, subparagraph (d) of Section 24 of Republic Act No. 6975, "Department of the Interior and Local Government Act of 1990" states that the PNP shall "exercise the general powers to make arrest, search and seizure in accordance with the Constitution and pertinent laws;

**WHEREAS**, citizens on social media were alarmed by reports and photos of police officers conducting surprise inspections of bars along Katipunan Avenue, Quezon City, on the night of 13 September 2017, and randomly inspecting the bags of the customers inside the establishments. These bars, situated near school campuses of universities such as the Ateneo de Manila University, Miriam College, and the University of the Philippines, primarily serve students and other persons from the academic community. No search warrants were presented during the said inspections;

**WHEREAS**, citizens also noted that the unannounced inspection and searches were done on the evening following the Ateneo Blue Babble Battalion's protest action during their performance at the halftime break of the televised UAAP basketball game. The protest action was made against extrajudicial killings and the House of Representatives' move to reduce the budget of the Commission on Human Rights to P1,000.00. The timing of the unannounced police operation caused many to speculate that it was undertaken as a scare tactic and to intimidate students into silence;

**WHEREAS**, according to news reports, spokespersons from the Quezon City defended these warrantless inspections and searches, saying these were "legal" and "regular." Police District (QCPD) Chief Superintendent Eleazar explained that the surprise inspection and search on the night of 13 September 2017 was part of "Oplan Bakal," a long-time campaign of the Philippine National Police (PNP) to stop the

proliferation of illegal firearms. The scope of the campaign was extended to cover other contrabands, including illegal drugs;

**WHEREAS**, QCPD Chief Supt. Eleazar said that the Barangay Chair requested the conduct of raid from the police in a Barangay Ugnayan coordination meeting on August 21, 2017. He also said that representatives from the Barangay and Ateneo de Manila University were present in the said meeting. He further asserted that the inspection and searches were done with the proper coordination with establishment owners through the association of establishment owners and managers;

**WHEREAS**, owners of the establishments denied the claims of the QCPD that there was prior coordination between the police and the establishments for the said inspection and searches. The owners of Tortuga, Lan Kwai Speakeasy and Hong Kong Cuisine also explained that there is no such association of restaurant owners in Katipunan that would give the police permission to conduct the operation;

**WHEREAS**, the unannounced inspection of establishment and bag searches by police in Katipunan last 13 September 2013 is a clear violation of Article III of the 1987 Constitution that protects citizens from warrantless and unreasonable searches of property;

**WHEREAS**, prior to this incident, there were also reports regarding house-to-house visits and roving drug testing of residents by the police in urban poor communities conducted by the QCPD. The QCPD Chief Superintendent insists that the participation of citizens in these operations is "voluntary," but under present circumstances and heightened awareness of recent cases of police abuse, citizens may be forced to comply out of fear for their own protection and safety;

**WHEREAS**, there is a need to assess the current campaigns, strategies and practices of the PNP. While these may be intended to fight the proliferation of illicit drugs and other contrabands, we must ensure that these are not in effect just weakening the rule of law, promoting a culture of impunity and abuse among our law enforcers, and threatening both the rights and welfare of our citizens, especially the youth that the State swore to protect;

**RESOLVED, AS IT IS HEREBY RESOLVED**, by the Senate of the Philippines to direct the appropriate Senate Committee to inquire, in aid of legislation, into the recently reported illegal searches in various establishments in Katipunan, Quezon City, and other police operations that may be weakening the rule of law and impeding on the rights and welfare of our citizens.

Adopted,

